

Drugs Act on or about January 20 and 29, 1936, from the State of Tennessee into the States of Arkansas and Kentucky of quantities of an article labeled in part, "Mouth Wash Highly Antiseptic A powerful germ killer. 10 times as strong as ordinary antiseptics \* \* \* Norris New York San Francisco Paris U. S. A.", which was adulterated and misbranded.

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be highly antiseptic and a powerful germ killer; whereas it was not highly antiseptic and was not a powerful germ killer.

It was alleged to be misbranded in that the statement, "Highly Antiseptic A powerful germ killer. 10 times as strong as ordinary antiseptics", borne on the label, was false and misleading in that it represented that the article was highly antiseptic, that it was a powerful germ killer, and was 10 times as strong as ordinary antiseptics; whereas it was not highly antiseptic, it was not a powerful germ killer, and it was not 10 times as strong as ordinary antiseptics.

On March 22, 1937, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$100 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

**27230. Misbranding of Olivo Hair Tonic and Olivo Hair Oil. U. S. v. 16 Bottles of Olivo Hair Tonic and 329 Jars of Olivo Hair Oil. Default decree of condemnation and destruction. (F. & D. nos. 38286, 38287. Sample nos. 16774-C, 16775-C, 16776-C.)**

Each of the articles was falsely represented in the labeling to contain olive oil and to be an Italian product. The labeling of each also contained false and fraudulent representations regarding its curative or therapeutic effect. The Olivo Hair Tonic failed to bear on its label a statement of the quantity or proportion of alcohol contained therein.

On September 14, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bottles of Olivo Hair Tonic and 329 jars of Olivo Hair Oil at Brooklyn, N. Y., alleging that the articles had been shipped in interstate commerce on or about June 23, 1936 by the Zala Perfumery Co., from Philadelphia, Pa., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Olivo Hair Tonic showed that it consisted essentially of alcohol (72 percent by volume), an oil which was largely or wholly castor oil, resorcinol, and perfume. Analysis of the Olivo Hair Oil showed that it consisted essentially of petrolatum, with small quantities of a phenol, a fatty oil, perfume, and a green coloring material.

The Olivo Hair Tonic was alleged to be misbranded: 1. In that the statement, "Olivo \* \* \* Olivo Hair Tonic contains olive oil", borne on the bottle label, was false and misleading in that it represented that the article contained olive oil; whereas it did not contain olive oil. 2. The statement "Genuine Italian", borne on the bottle label, was false and misleading with respect to its geographical origin because it was not a genuine Italian product. 3. The packages failed to bear on the label a statement of the quantity or proportion of alcohol contained therein. 4. The following statements regarding its curative or therapeutic effects, borne on the bottle labels, were false and fraudulent: (Principal label) "Perfect \* \* \* Dandruff Remedy \* \* \* This preparation applied to scalp prevents dandruff and eczema. Keeps the hair from falling, strengthens the growth \* \* \* Tonic"; (rear label) "\* \* \* for the eradication of dandruff and to aid in the destruction of bacteria infesting the scalp. \* \* \* for the purpose of \* \* \* Keeping the scalp in a healthy normal condition. \* \* \* If properly used marvelous results will be obtained for all kinds of scalp ailments. \* \* \* First massage the scalp with the palm and finger tips for 90 seconds. This will awaken dormant hair cells and stimulates scalp action. Then apply Olivo Hair Tonic—rub lightly until it is absorbed by the corium. Repeat this treatment twice a week until desired results are obtained."

The Olivo Hair Oil, contained in 16-ounce and in 2-ounce jars, was alleged to be misbranded: (1) In that the title "Olivo" and the word "Olivo", appearing on the labeling, were false and misleading in that they represented that it was an olive-oil preparation, whereas it was not an olive-oil preparation; and (2) in that the statement "Genuine Italian", appearing on the labeling, was false and misleading with respect to the geographical origin of the product in that it was not a genuine Italian product. Said article in the 16-ounce jars was alleged to be misbranded in that the following statements regarding its curative or thera-

peutic effects, appearing on the label, were false and fraudulent: "This preparation applied to scalp prevents Dandruff and Eczema. Keeps the hair from falling, strengthens the growth \* \* \*." The article in the 2-ounce jars was alleged to be misbranded in that the statements contained in a circular enclosed with the jar, "Olivo (The Scalp Food Supreme) Contains Genuine Italian Olive Oil" and "\* \* \* is a preparation containing Olive Oil", were false and misleading in that they represented that it contained genuine Italian olive oil and that it was a preparation containing olive oil; whereas it did not contain genuine Italian olive oil and was not a preparation containing olive oil. It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects, borne on the cartons and jar labels and contained in an accompanying circular, were false and fraudulent: (Carton) "Prevents Dandruff and Eczema \* \* \* Improves the growth of the hair"; (jar label) "This preparation applied to the scalp prevents Dandruff and Eczema. Keeps the hair from falling, strengthens the growth \* \* \*"; (circular) "Guaranteed to Eradicate Dandruff End Itchy Scalp Stop Falling Hair \* \* \* Prevents Dandruff, Eczema. Retards falling hair, \* \* \* One of the most important marks \* \* \* is a healthy, well kept head of hair. \* \* \* for the purpose of \* \* \* keeping the scalp in a healthy normal condition. \* \* \* Olivo will promote the growth of hair by preventing dandruff and eczema, \* \* \* If properly used, marvelous results will be obtained for all kinds of scalp ailments. The medicinal ingredients in this preparation are beneficial for the eradication of dandruff and aid in the destruction of scalp bacteria. \* \* \* First massage the scalp with the palm and finger tips for 90 seconds. This will awaken dormant hair cells and stimulates scalp action. Then apply Olivo—rubbing lightly until it is absorbed by the corium."

On March 23, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

**27231. Misbranding of Chloraide. U. S. v. Farmaide Products Co. Plea of nolo contendere. Fine, \$75. (F. & D. no. 38613. Sample no. 49414-B.)**

The labeling of this preparation bore false and fraudulent curative and therapeutic claims.

On February 2, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmaide Products Co., a corporation trading at Lincoln, Nebr., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 19, 1936, from the State of Nebraska into the State of Missouri of a quantity of Chloraide that was misbranded.

Analysis showed that the article consisted of sodium hypochlorite, sodium chloride, sodium hydroxide, sodium carbonate, and water.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottle labels and cartons and in a booklet and circular enclosed in the cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for skin eruptions and bunions; effective as a treatment, remedy, and cure for ailments of poultry, to assure the continued health and growth of poultry, as a preventive and treatment of diseases of poultry, and as a preventive of bacillary white diarrhea, and brooder pneumonia; effective as a treatment, remedy, and cure for coccidiosis, roup, canker, chickenpox, avian diphtheria, aspergillosis, bronchitis, infectious bronchitis, cholera, diarrhea, and enteritis; effective to destroy bacteria and germs before they can find a culture in which to germinate; and effective as a preventive of diseases in hogs.

The information charged that the article also was misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1547 published under that act.

On March 13, 1937, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$75 for violations of both acts.

H. A. WALLACE, *Secretary of Agriculture.*

**27232. Misbranding of Iowa Roup Remedy. U. S. v. Howard-Iowa Products Co., and William G. Howard. Plea of nolo contendere. Fine, \$40 and costs. (F. & D. no. 38627. Sample no. 5128-C.)**

The labeling of this product bore false and fraudulent curative and therapeutic claims.